

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONALD R. CAMERON, et al.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 19-cv-03074-YGR (TSH)

ORDER RE: MOTION TO SEAL

Re: Dkt. No. 309

By way of background, on December 15, 2020, the Court held a public hearing via Zoom webinar concerning discovery matters. During the hearing, the Court asked the parties to address a dispute regarding the production of certain transactional data. One outstanding dispute between the parties was whether Apple must produce a particular field in the data titled “proceeds reason,” which, according to Plaintiffs’ counsel Benjamin Siegel “indicates both which 15 percent commissions are pursuant to Apple’s standard policies and which are negotiated pursuant to individual negotiated agreements.” Siegel went on to say that “There was also a 15 percent exception, it appears, for Netflix and HBO that predated Apple’s adoption[] of its year-old subscription policy.” Apple moved for sanctions, contending that Siegel’s statement in a public hearing violated the protective order in this action. The Court denied Apple’s motion, finding that Tim Cook’s written testimony to Congress had effectively disclosed this information. ECF No. 305.

Apple now moves to seal portions of the transcript of the March 4, 2021 hearing at which the sanctions motion was argued. Apple’s proposed redactions are to portions of the transcript in which the parties and the Court characterize what Siegel said during the December hearing. However, the Court has already found that Siegel’s statement during the December hearing did not

1 disclose any confidential information. The parties' and the Court's efforts to characterize a
2 statement that did not reveal confidential information also do not reveal confidential information.
3 It's not like the parties discussed other, different confidential information in an effort to argue the
4 sanctions motion. Rather, in the portions of the transcript Apple seeks to redact, the parties and
5 the Court were debating what Siegel said and whether it was the same or different from Cook's
6 public testimony. The Court's conclusion in ECF No. 305 that Siegel didn't reveal any
7 confidential information forecloses the current motion to seal, which is denied.

8 **IT IS SO ORDERED.**

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10 Dated: April 28, 2021

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12 THOMAS S. HIXSON
13 United States Magistrate Judge
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